

REMARKS

Claims 1-4, 16-23 and 26-28 and 31-34 are currently pending in the subject application and are presently under consideration. Claims 29 and 30 have been cancelled. Claim 31 has been amended to cure a minor informality. New claim 34 has been added. A listing of claims can be found at pages 2-6 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-3, 16-23 and 26-33 Under 35 U.S.C. §103(a)

Claims 1-3, 16-23 and 26-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hudetz, *et al.* (U.S. 5,978,773) in view of Keithley (U.S. 5,584,025). It is submitted that this rejection be withdrawn for at least the following reasons. Neither Hudetz, *et al.* nor Keithley, alone or in combination, teach or suggest each and every aspect set forth in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) ***must teach or suggest all the claim limitations***. See MPEP §706.02(j). The ***teaching or suggestion to make the claimed combination*** and the reasonable expectation of success ***must be found in the prior art and not based on the Applicant's disclosure***. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

The invention as claimed provides a system for remote display of product specific information that includes a user terminal. The user terminal includes a transducer that can selectively receive identification information from product indicia, such as uniform product code (UPC) information, from an associated product. The user terminal provides a mechanism to disclose such indicia information and communicate it to an associated, remote database system.

Information associated with the decoded information is communicated back to the user terminal that provides a means by which such information may be displayed in a humanly-cognizable output. More particularly, the claimed invention relates to providing demographic information about a consumer to a product manufacturer ***by utilizing data packet information that transfers the information inquiry to the manufacturer***, or by utilizing information transferred ***within the web page request***, or by ***employing a Domain Name Service to translate Internet Protocol mapping information transferred by the consumer when requesting a web page***, as respectively recited in independent claims 1, 16 and 22. Neither Hudetz, *et al.* nor Keithley, alone or in combination, teach nor suggest such features of applicants' claimed invention.

Hudetz, *et al.* relates to a system and method for using identification codes found on ordinary articles of commerce to access remote computers on a network. As conceded by the examiner, Hudetz *et al.* does not teach or suggest providing the demographic information of a consumer to the manufacturer of a product by utilizing the information inquiry, or by utilizing information transferred within the web page request. Thus to remedy this deficiency, the Examiner offers Keithley.

Keithley relates to an information processing system for acquiring and displaying information relating to real estate and related goods and services. It provides for supplying information including demographic statistics to advertisers. On page 4 of the subject Office Action, it is erroneously contended that Keithley discloses the concept of sending a user's demographic data to a manufacturer utilizing data enquiries. At the cited section, (specifically at col. 11, lines 12-15) and other sections (*See e.g.*, col. 1, lines 34-38) Keithley states, "*Because each property profile and advertisement regardless of sponsor has its own identification code and each user of the disclosed system has their own access code, the instant invention provides detailed data on all aspects of viewership and response.*" Therefore as stated, the system of Keithley is able to collect information regarding viewership only because each user has a specific access code and it can be concluded that any information regarding the user would be associated with such an access code. In fact, the system of Keithley specifically requires that each user be logged in before being able to use the system (*See e.g.*, col. 9, lines 33-36). Hence it is clear that Keithley does not teach collecting demographic information about a user ***by utilizing data packet information that transfers the information inquiry to the manufacturer*** as recited in applicants' independent claim 1 or ***by utilizing information transferred within the web page request*** as

recited in the independent claim 16. This is because in Keithley, a user is identified by means of the access code even before an information inquiry can be made.

Additionally, it is submitted that Keithley does not teach or suggest a system of ***employing a Domain Name Service to translate Internet Protocol mapping information transferred by the consumer when requesting a web page***, as recited in independent claim 22. Nowhere in the secondary document are these features disclosed or suggested. The claimed invention in contrast is able to utilize information about a destination computer inherently included in a request by employing cross-application of the DNS system to obtain demographic information associated with each query. Therefore the subject invention can collect demographic information about a user without requiring the user to have a specific access code as taught by Keithley.

From the foregoing it is clear that the cited documents, either separately or in combination, fail to make obvious the subject claims. Hence it is requested that this rejection be withdrawn.

II. Rejection of Claim 4 Under 35 U.S.C. §103(a)

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hudetz, *et al.* and Keithley as applied to claim 1 above, and further in view of Kaplan *et al.* (US 5,963,916). This rejection should be withdrawn for at least the following reasons. None of the cited references teach or suggest all limitations recited in the subject claim.

Claim 4 depends from independent claim 1 and, as stated *supra*, neither Hudetz *et al.* nor Keithley teach or suggest all limitations of claim 1 and Kaplan *et al.* fails to make up for the aforementioned deficiencies. Independent claim 1 recites a method of conveying a consumer's demographic information to a manufacturer, whereby a scanned bar code of a product can be used to access the manufacturer's website for a product information inquiry and in the process, the demographic information of the consumer can be captured and conveyed to the manufacturer ***by utilizing data packet information that transfers the information inquiry to the manufacturer.*** Kaplan *et al.* relates to on-line network web site for interactive preview of a portion of a pre-recorded product by the user but does not teach or suggest providing demographic information about the consumer to the product manufacturer by utilizing data

packet information transferred to the manufacturer as a result of the information query, as claimed.

Based on at least the foregoing, none of the cited references teach or suggest all aspects recited in the subject claims. Accordingly, withdrawal of this rejection is respectfully requested.

III. New Claim 34

Newly added independent claim 34 emphasizes novel aspects of the invention discussed *supra* in connection with claims 1-4 and 16-23. Accordingly this claim is patentably distinct over the art of record for at least the same reasons as are claims 1-4 and 16-23. Support for this claim can be found in the specification at paragraph [0034] lines 7-19.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [TELNP333US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731